

PETER B. CARLISLE 2209
 Prosecuting Attorney
 ARMINA A. CHING 3638
 Deputy Prosecuting Attorney
 City and County of Honolulu
 Alii Place
 1060 Richards Street, 10th Floor
 Honolulu, Hawaii 96813
 Ph: 547-7421
 FAX: 527-6483
 Attorneys for State of Hawaii

1ST CIRCUIT COURT
 STATE OF HAWAII
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R. HIGA
 CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

06-1-0307

IN THE MATTER OF THE
 APPLICATION OF THE STATE OF
 HAWAII FOR A WRIT OF HABEAS
 CORPUS AD PROSEQUENDUM RE
 JAMES MAGALEI,

Defendant.

) S. P. NO. _____
) (Cr. No. 06-1-1709)
)
) APPLICATION FOR WRIT OF HABEAS
) CORPUS AD PROSEQUENDUM; ORDER
) DIRECTING ISSUANCE OF WRIT OF
) HABEAS CORPUS AD
) PROSEQUENDUM; WRIT OF HABEAS
) CORPUS AD PROSEQUENDUM
)

APPLICATION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE DERRICK H. M. CHAN, JUDGE OF THE ABOVE ENTITLED COURT:

Comes now the STATE OF HAWAII, by and through Armina A. Ching, Deputy Prosecuting Attorney of the City and County of Honolulu, State of Hawaii, and respectfully alleges as follows:

1. That JAMES MAGALEI has a case in the Circuit Court of the First Circuit, Honolulu, Hawaii, Criminal No. 06-1-1709;
2. That arraignment and plea in Criminal No. 06-1-1709 is scheduled for October 5, 2006, 8:30 a.m., before the Honorable DERRICK H. M. CHAN;

EXHIBIT "B"

3. That said Defendant is now imprisoned as a federal prisoner under the custody of the UNITED STATES MARSHAL, District of Hawaii, and is being detained at the Federal Detention Center, Honolulu, Hawaii, and

4. That in order to procure Defendant's presence in the Circuit Court of the First Circuit, it is necessary that a Writ of Habeas Corpus ad Prosequendum be issued, pursuant to Chapter 660, Hawaii Revised Statutes.

WHEREFORE, Applicant prays that the Clerk of this Court be directed to issue a Writ of Habeas Corpus ad Prosequendum commanding the:

UNITED STATES MARSHAL, District of Hawaii, or his/her deputy to make available the body of JAMES MAGALEI to State of Hawaii Officials on October 4, 2006, and at any time or times deemed necessary until the conclusion of Criminal No. 06-1-1709; and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant, to:

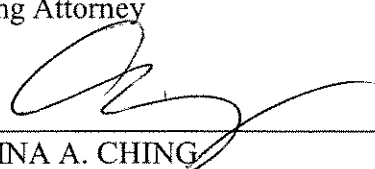
1. execute Bench Warrant issued in Criminal No. 06-1-1709;
2. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings;
3. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, on October 5, 2006;
4. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal No. 06-1-1709; and thereafter;
5. retain custody of the Defendant and he/she shall be confined with the Department of the Public Safety, State of Hawaii, during the pendency of these proceedings; and thereafter;

6. return the said Defendant to the custody of the UNITED STATES MARSHAL,
District of Hawaii, each time.

Dated at Honolulu, Hawaii: September 5, 2006.

STATE OF HAWAII

By PETER B. CARLISLE
Prosecuting Attorney

By 
ARMINA A. CHING
Deputy Prosecuting Attorney
City and County of Honolulu

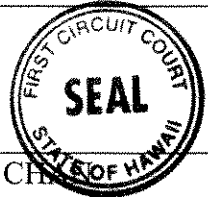
ORDER DIRECTING ISSUANCE OF
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the Clerk of
this Court be and hereby is instructed to issue the Writ of Habeas Corpus ad Prosequendum prayed
for in the foregoing Application.

Dated at Honolulu, Hawaii: SEP 8 2006

DERRICK H.M. CHAN

DERRICK H. M. CHAN
Judge of the above entitled court



WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO: UNITED STATES MARSHAL, District of Hawaii, or His/Her Deputy; and
STATE OF HAWAII OFFICIALS

GREETINGS:

We command that you, UNITED STATES MARSHAL, District of Hawaii, or your Deputy, produce the body of JAMES MAGALEI, who is being detained as a federal prisoner under your custody, to STATE OF HAWAII OFFICIALS on October 4, 2006, and at any time or times deemed necessary until the conclusion of Criminal No. 06-1-1709; and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant, to:

1. execute Bench Warrant issued in Criminal No. 06-1-1709;
2. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings;
3. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, on October 5, 2006;
4. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal No. 06-1-1709;
5. retain custody of the Defendant and he/she shall be confined with the Department of the Public Safety, State of Hawaii, during the pendency of these proceedings; and thereafter;
6. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, each time.

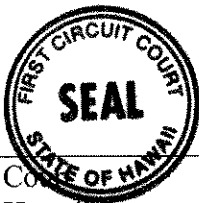
Upon completion of the above and conclusion of Criminal No. 06-1-1709, it shall be deemed sufficient compliance with this writ.

WITNESS the Honorable DERRICK H. M. CHAN, Judge of the Circuit Court of the First
Circuit at Honolulu, Hawaii, and the seal of said Court this 8 day of

September 2006

DERRICK H.M. CHAN

Judge of the Circuit Court
First Circuit, State of Hawaii



S. H. Arashina

Clerk, Circuit Court, First Circuit
State of Hawaii